

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER 1—BUREAU OF ANIMAL INDUSTRY

Subchapter D—Exportation and Importation of Animals and Animal Products

B. A. I. Order 368

Issued December 16, 1938

United States Department of Agriculture

BUREAU OF ANIMAL INDUSTRY

REGULATIONS GOVERNING THE INSPECTION AND
QUARANTINE OF LIVESTOCK IMPORTED FROM OR
EXPORTED TO MEXICO

Effective on and after January 16, 1939

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 16, 1938.

By virtue of Article XII of a convention between the United States of America and the United Mexican States as ratified by the two Governments on January 17, 1930, and under the authority otherwise vested in the Secretary of Agriculture by law, the following regulations are hereby prescribed on the part of the United States governing the movement of livestock between the United States and Mexico in order to safeguard more effectually the livestock interests of the respective countries through the prevention of the introduction of infectious and contagious diseases. These regulations supersede all previous regulations governing the movement of livestock between the United States and Mexico, and shall become effective on January 16, 1939.

H. A. WALLACE,
Secretary of Agriculture.

Amends 9 C F R, Part 93 (B. A. I. Order 327) to read as follows:

Part 93—Special regulations governing export and import of
livestock to and from Mexico

REGULATION 1

Sec. 93.1. Definitions.—Whenever in these regulations the following names or terms are used they shall be construed as follows:

(a) *Department.*—United States Department of Agriculture.

(b) *Bureau.*—Bureau of Animal Industry of the United States Department of Agriculture.

(c) *Chief of Bureau.*—Chief of the Bureau of Animal Industry of the United States Department of Agriculture.

(d) *Inspector.*—A veterinary inspector of the Bureau of Animal Industry of the United States Department of Agriculture.

(e) *Horses.*—Horses, mules, and asses.

(f) *Fever tick.*—*Boophilus annulatus*, including variety *australis*.

(g) *Permitted dip.*—A dip permitted by the Bureau of Animal Industry to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies. (34 Stat. 1263; 21 U. S. C. 80, 81, 82, 86; Secs. 4, 5, 23 Stat. 32 as amended; 21 U. S. C. 113; Sec. 1, 26 Stat. 833, 45 Stat. 789; 45 U. S. C. 75; Secs. 6, 7, 8, 10, 26 Stat. 416–417; 21 U. S. C. 102–105; Secs. 1 and 2, 32 Stat. 791, 792; 21 U. S. C. 111, 112, 113, 120.)

Importations From Mexico

REGULATION 2

Sec. 93.2. Designated ports of entry.—With the approval of the Secretary of the Treasury, the following-named ports and subports are hereby designated for the entry of livestock from Mexico:

On the sea coasts: Boston, Mass.; New York, N. Y.; Baltimore, Md.; Jacksonville, Fla.; San Juan, Puerto Rico; New Orleans, La.; Galveston, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; and Seattle, Wash. Along the international boundary: Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio, and El Paso, Tex.; Douglas, Naco, and Nogales, Ariz.; and Calexico and San Ysidro, Calif.

All horses, ruminants, and swine for importation from Mexico shall be entered through one of the aforementioned ports: *Provided, however,* That in special cases other ports may be designated by the Chief of Bureau with the concurrence of the customs authorities. (Sec. 7, 26 Stat. 416; 21 U. S. C. 102.)

REGULATION 3

Sec. 93.3. Permits required.—For ruminants and swine intended for importation by water from Mexico, the importer shall first obtain from the Secretary of Agriculture of the United States a permit in two sections, one for presentation to the American consul at the port of embarkation, the other for presentation to the collector of customs at the port of entry specified therein, providing for reception of the said animals at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. A permit shall not be available for the landing of such animals at any port of entry other than the one mentioned therein, and they shall not be eligible for entry if shipped from or through any other foreign port than that designated in the permit. Permits will be issued for entry at any port named in section 93.2 (regulation 2) that the importer may elect, as far as quarantine facilities are there available, but permits for importation will not be granted in excess of the accommodations provided at any port. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C. 102-105.)

REGULATION 4

Sec. 93.4. Declaration of purpose.—For all cattle, sheep, goats, and swine offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C. 102-105.)

REGULATION 5

Sec. 93.5. Inspection at port of entry.—Except as provided in paragraphs (b) and (c) of section 93.11 (regulation 11), all horses, ruminants, and swine offered for entry from Mexico, including such animals intended for movement by rail through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other provisions of these regulations. Animals found to be affected with a communicable disease or infested with fever ticks, or to have been exposed thereto, shall be refused entry, except as provided in sections 93.8 and 93.11 of this part (regulations 8 and 11 of this order). (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C. 102-105.)

REGULATION 6

Sec. 93.6. Animals for slaughter.—Cattle, sheep, goats, and swine imported from Mexico for slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry: *Provided,* That upon special permission obtained from the Chief of Bureau, they may be reconsigned to other points and there slaughtered within the period aforesaid. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C. 102-105.)

REGULATION 7

Sec. 93.7. Cattle.—(a) *Cattle from other than tick-infested areas.*—Except as provided in paragraph (b) of this section, all cattle offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of infectious or contagious disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenetic, southern, or tick fever, during the preceding 60 days, and if shipped by rail the certificate shall further specify that the cattle were loaded into clean and disinfected cars for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks.

(b) *Cattle from tick-infested areas.*—Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(1) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of infectious or contagious disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, except splenetic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(2) The cattle shall be shown by affidavit of the owner or his agent to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, within 7 to 12 days before being offered for entry.

(3) The importer, or his agent duly authorized thereto, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(4) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subparagraph (2) hereof. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subparagraph (2) hereof.

(5) The cattle shall be imported through a port designated in section 93.2 of this part (regulation 2 of this order) equipped with facilities necessary for proper inspection and dipping.

(6) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(c) *Action in absence of certificates.*—In the absence of certificates specified in paragraphs (a) and (b) of this section (regulation), cattle otherwise eligible for importation may be allowed entry subject to such conditions as the Chief of Bureau may prescribe: *Provided*, That the provisions of section 93.8 of this part (regulation 8 of this order) must be strictly complied with. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105.)

REGULATION 8

Sec. 93.8. Tuberculin and Bang's disease test for cattle.—(a) *Tuberculin test.*—All cattle offered for importation from Mexico—except strictly range cattle¹ and those for immediate slaughter—shall be accompanied by a satisfactory certificate of tuberculin test signed by a salaried veterinarian of the Mexican Government, which test shall have been made within 30 days preceding the date of importation. The date and place of such testing and a description

¹ It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern States of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the State of destination.

of the cattle, including breed, ages, and markings, shall be given in such certificate. In the absence of said certificate such cattle, if otherwise eligible for importation, shall be detained in quarantine at the port of entry for a period of not less than 3 days, during which time they shall be tuberculin tested.

(b) *Bang's disease test.*—(1) All dairy or breeding cattle 6 months of age or older offered for importation from Mexico—except strictly range cattle and those for immediate slaughter—shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that the animals have been subjected to a blood test for Bang's disease (infectious abortion), with negative results, within 30 days of the date of their exportation. The said certificate shall give the date and method of testing, names of the consignor and consignee, and a description of the cattle with breed, ages, and markings.

(2) In special cases and upon permission first obtained from the Chief of Bureau, said cattle unaccompanied by a certificate as provided in the preceding subparagraph (b) (1) may be quarantined at the port of entry and tested for Bang's disease by such method as may be approved by the Chief of Bureau; and those failing to pass said test shall be refused entry and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890. (26 Stat. 416) (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105.)

REGULATION 9

*Sec. 93.9. Sheep and goats.*²—(a) *Sheep and goats for purposes other than slaughter.*—Sheep and goats offered for importation from Mexico, for purposes other than slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such sheep and goats on the premises of origin, no evidence of infectious or contagious disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars for transportation direct to the port of entry. Notwithstanding such certificate, such sheep shall be detained at the port of entry until they have been dipped once under supervision of an inspector, in a permitted scabies dip. In the absence of such certificate, said sheep shall be held in quarantine for not less than 10 days and, at the discretion of the inspector, shall be again dipped under his supervision. Goats unaccompanied by such certificate shall be detained at the port of entry for a period of not less than 10 days, during which time they shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from disease.

(b) *Sheep and goats for slaughter.*—Sheep and goats offered for importation from Mexico for slaughter shall be accompanied by a statement of the owner or vendor showing that no disease communicable to animals of their kind has existed on the premises on which they have been kept during the preceding 60 days. Such sheep and goats, when not accompanied by the statement specified, shall be detained at the port of entry for a period of not less than 3 days in order to determine their freedom from disease. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105.)

REGULATION 10

*Sec. 93.10. Swine.*³—(a) *Swine for breeding or feeding.*—All swine offered for importation from Mexico for breeding or feeding shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized

² Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in section 93.5 of this part (regulation 5 of these regulations).

³ A certificate as specified in this section (regulation) will not be required for wild swine for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in section 93.5 of this part (regulation 5 of these regulations).

against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained at the port of entry for a period of not less than 2 weeks and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from disease.

(b) *Swine for slaughter*.—All swine offered for importation from Mexico for slaughter shall be accompanied by a certificate of the kind specified in paragraph (a) of this section (regulation). In the absence of the required certificate, such swine shall be detained at the port of entry for a period of not less than 3 days to determine their freedom from disease. They shall be handled and shipped as specified under section 93.6 of this part (regulation 6 of this order). (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105.)

REGULATION 11

Sec. 93.11. Horses.—(a) *Horses from tick-infested areas*.—Horses offered for importation from tick-infested areas of Mexico shall be clute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in paragraph (b) (2), of section 93.7 (regulation 7), for cattle from tick-infested areas.

(b) *Mexican horses for temporary stay*.—Horses used in connection with stock raising (cow ponies) or mining and those for other purposes, whether for pleasure, driving, or teaming, may be admitted from the tick-free area of Mexico without inspection for a temporary stay at ports along the border, not exceeding a period of 10 days.

(c) *American horses returning after temporary stay in Mexico*.—Horses may be returned to the United States from tick-free areas of Mexico without inspection, after a stay in Mexico of not to exceed 10 days. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 8, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105.)

Exportations to Mexico

REGULATION 12

Sec. 93.12. Inspection and certification.—No horses, cattle, other domestic ruminants or swine shall be exported to Mexico until they have been inspected in the manner prescribed by the Chief of Bureau. If, upon such inspection, they are found to be free from communicable disease or exposure thereto, they shall be accompanied by a certificate to that effect issued or endorsed by an inspector. The inspection required by this section (regulation) may be made at any place at which an inspector is available: *Provided, however*, That in the case of livestock for shipment to Mexico by water a final inspection shall be made at the coast port of embarkation. (34 Stat. 1263; 21 U. S. C. 80, 81, 82; Sec. 10, 26 Stat. 417; 21 U. S. C. 105; Secs. 4, 5, 23, Stat. 32, Sec. 1, 32 Stat. 791; 21 U. S. C. 112, 113, 120.)

REGULATION 13


Sec. 93.13. Tuberculin test.—No dairy or breeding cattle shall be exported to Mexico unless they are accompanied by a certificate showing that they have passed a tuberculin test within 30 days of the date of exportation or that they are from a tuberculosis free accredited herd or a modified accredited area. Such tests may be applied either by an inspector or a duly authorized veterinarian of the Mexican Government in the United States, or by an accredited veterinarian: *Provided*, That the certificate of such accredited veterinarians shall be endorsed by an inspector. Test charts and certificates shall include descriptions of the cattle with ages and markings. (34 Stat. 1263; 21 U. S. C. 80, 81, 82; Sec. 10, 26 Stat. 417; 21 U. S. C. 105; Secs. 4, 5, 23 Stat. 32, Sec. 1, 32 Stat. 791; 21 U. S. C. 112, 113, 120.)

REGULATION 14

Sec. 93.14. Form of certificate.—Certificates provided for in sections 93.12 and 93.13 (regulations 12 and 13) shall be issued in such form and number as required by the Department of Agriculture of Mexico. (34 Stat. 1263, 21 U. S. C. 81, 82, Sec. 1, 32 Stat. 791; 21 U. S. C. 121.)

REGULATION 15

Sec. 93.15. Disinfection of cars or other conveyances.—Livestock destined to Mexico shall be transported from the point of inspection in cars or other conveyances which have been cleaned and disinfected: *Provided, however,* That express cars and other conveyances not regularly used for the transportation of livestock need not be so disinfected. If such animals are transported in crates the crates shall be constructed of new material and shall not have been previously used. (Sec. 10, 26 Stat. 417; 21 U. S. C. 105; Secs. 4, 5, 23 Stat. 32; Sec. 1, 32 Stat. 791; 21 U. S. C. 112, 120.)



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